

OGC REVIEW COMPLETED

Draft
31 October 1952

Memorandum for: Assistant Director for Operations

Subject: Unclassified Dissemination of TASS Intercepts

1. Reference is made to your memorandum dated 23 October 1952 to the General Counsel, subject as above. This reply may be construed to cover not only the TASS transmissions on x which you requested an opinion, but also all Russian publications.

2. American international copyright relations are of two kinds. The first of these is through means of a Presidential proclamation of reciprocal conditions which states in effect that a given foreign country grants to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to a foreign author under the American copyright laws. The second method is through international copyright conventions to which the United States is signatory.

The United States has no reciprocal copyright relations with Russia, nor is Russia signatory to any of the major international copyright conventions. (We have used the phrase "major international copyright conventions" only because we are not aware as to whether the Soviet Union has ever concluded any copyright arrangements with its immediate satellites. Such an arrangement

would not affect the ruling in this memorandum).

3. The United States copyright law provides American copyright protection for any person entitled thereto under the Act. In view of the above, it can be stated for your guidance that no Russian citizen (including corporate entities or other copyright proprietors) may secure copyright protection in the United States, and in the absence of such protection no Russian citizen can sue in the United States for infringement of copyright. This can probably be extended to mean that if a Russian citizen assigned his interest to someone who was in a status of seeking copyright protection, such assignment would in all probability not be valid, and therefore could not be the basis for suit as no Russian assignee can secure copyright.

4. Two exceptions should be noted to the above. The first is that if a work is published in the Soviet Union by an author who is a national of a country with which the United States maintains copyright relations, then such person could maintain suit in the United States for copyright infringement. Secondly, if a Russian citizen is legally domiciled in the United States, he can maintain suit here for copyright infringement.

Walter L. Pforzheimer
Legislative Counsel